

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X **Docket#**
UNITED STATES OF AMERICA, : 20-cr-00442 (EK)
:
:
- versus - : U.S. Courthouse
: Brooklyn, New York
BAIMADAJIE ANGWANG, :
: January 19, 2023
Defendant : 11:10 a.m.
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TRANSCRIPT OF CRIMINAL CAUSE FOR STATUS CONFERENCE
BEFORE THE HONORABLE ERIC R. KOMITEE
UNITED STATES DISTRICT JUDGE

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1 THE COURT: Please be seated.

2 THE CLERK: Criminal Cause for a Status
3 Conference, *The United States of America v. Angwang*,
4 docket number 20-cr-442.

5 Would you all please state your appearances for
6 the record starting with the government?

7 MR. HAGGANS: Good morning, your Honor. With
8 the Court's permission, I'll take my mask off.

9 THE COURT: My view on that is that as long as
10 everybody within six feet of you is okay with that, I am
11 as well.

12 MR. HAGGANS: I have that assurance today, your
13 Honor. Matthew Haggans for the United States. I'll go
14 around counterclockwise. It's Meredith Arfa, Fran
15 Navarro, Alex Solomon, Scott Claffee, and Craig Heeren,
16 your Honor.

17 THE COURT: Good morning to you all.

18 MR. HAGGANS: Good morning.

19 MR. CARMAN: Good morning, your Honor. It's
20 John Carman for Mr. Angwang. I'm here with my client,
21 your Honor.

22 THE DEFENDANT: Good morning, your Honor.

23 THE COURT: Mr. Carman, good morning and Mr.
24 Angwang, good morning to you as well.

25 Okay. So we're here as you all know on the

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1 government's motion to dismiss the indictment here
2 without prejudice. I think we all know the Rule 48
3 standard fairly well. And there's not that much for us
4 to say and do today but there's not nothing either.

5 I have the government's letter that refers I
6 would say fairly obliquely to the fact that new evidence
7 came into your possession as a consequence of further
8 investigation. That's all understood and well taken.
9 And I understand the limits on your ability to speak in
10 more detail or in extreme detail given the classified
11 information overlay in this case.

12 But given the request for leave of Court to
13 dismiss, I'll just ask whether there's anything else the
14 government can and will say about why we're here today.

15 MR. HAGGANS: Thank you, your Honor. As the
16 Court has identified, we're limited in the information
17 that we can provide. The decision to file this motion
18 was based upon an assessment of all the evidence and
19 information that is now available to the government
20 including information developed subsequent to charges and
21 it's based on an assessment of all of that information
22 holistically that the government has determined that it's
23 appropriate to seek dismissal in the interest of justice.

24 THE COURT: Okay. Is there anything the
25 defense would like to say?

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1 MR. CARMAN: No, your Honor.

2 THE COURT: I'll say that we all remember well
3 of course the fanfare with which this case was brought
4 initially and the fairly protracted litigation over Mr.
5 Angwang's pretrial release status. I think everyone
6 sitting in the well of this Court room including the
7 Court itself owes a debt of gratitude to Mr. Carman for
8 his doggedness in not only litigating but in some cases
9 re-litigating some of those issues. We'd obviously be
10 sitting here in a very different posture today had Mr.
11 Angwang been incarcerated for the entirety of the
12 duration of this case.

13 I will, and I do now, grant the government's
14 motion to dismiss the indictment without prejudice and
15 will put an order up on the docket to that effect.

16 I am persuaded that the very limited review
17 that I'm tasked with under Rule 48 that that standard is
18 satisfied here and I think the government is to be
19 recognized for making a decision that it believes and has
20 represented is in the interest of justice rather than
21 pursuing this case of course to trial.

22 Anything else from the government's perspective
23 today?

24 MR. HAGGANS: No, your Honor.

25 THE COURT: Anything else from the defense

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1 perspective?

2 MR. CARMAN: Just briefly. Mr. Angwang asked
3 me to express his appreciation to the Court for the
4 respect that you expressed to him during the case. And
5 also, and more specifically, for your willingness to hear
6 a fourth bail application back in February 2021 when he'd
7 been in MDC for almost six months, most of which was in
8 solitary confinement. It's a rare, if almost unheard of
9 situation, where a fourth bail application gets made.
10 And I remember arguing to you that day that if 2023
11 January rolled around and you decided that a six month
12 sentence was in order, that it would be very difficult
13 for you to impose a sentence like that if he was in
14 prison for two and a half years.

15 And so we're both very thankful that you agreed
16 to take a fourth application instead of having your
17 deputy call me and tell me to withdraw my papers. So
18 we're thankful for today and we'll just leave it at that.

19 THE COURT: Thank you for saying so. But
20 again, I think the credit for that lies with defense
21 counsel.

22 I will exonerate the bond at this point as well
23 given the order I just issued. I'll ask again, anything
24 else from the government's perspective that we should do
25 on the record here or afterwards?

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1 MR. HAGGANS: No, your Honor.

2 THE COURT: Anything else on the defense end?

3 MR. CARMAN: That's it, your Honor. Thank you.

4 THE COURT: All right. Thank you all for your
5 thorough responses to the Court's questions, requests,
6 sua sponte motions and otherwise throughout this process.
7 It's complicated. In some ways a straightforward case
8 but also in some ways, especially given the landscape of
9 statutes at issue, a complicated matter. And I think it
10 was well handled on both sides given the circumstances.

11 So it's unfortunate, obviously, that Mr.
12 Angwang did serve as much time as he did in jail pretrial
13 or in detention pretrial but better late as they say than
14 never.

15 So thank you all, and with that we we'll be
16 adjourned.

17 MR. HAGGANS: Have a good day, your Honor.

18 MR. CARMAN: Thank you, your Honor.

19 (Matter concluded)

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C E R T I F I C A T E

I, MARY GRECO, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this 25th day of January, 2023.



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